

## REMARKS

Applicants have studied the Final Office Action dated January 12, 2009, and have made amendments to the claims. Claims 1-37 have been canceled without prejudice. Claims 38-45 are new. Support for the newly added claims can be found in paragraphs [0039]-[0045] of the published specification (US 2004/0114529 A1). No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

### Rejections under 35 U.S.C. § 103

Claims 20, 21 and 32-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2006/0209765 to Li et al. (hereinafter "Li") in view of U.S. Patent Application Publication No. 2002/0004924 to Kim et al. (hereinafter "Kim") and U.S. Patent No. 6,901,551 to Corrigan (hereinafter "Corrigan"). This rejection is respectfully traversed.

With this paper, claims 20, 21 and 32-37 have been canceled without prejudice. Therefore, the rejection with respect to these claims is now moot.

### New Claims 38-45

With this paper, claims 38-45 have been added. Independent claims 38 and 42 recite the limitation "allocating each of the at least two second data blocks and dummy bits to the plurality of antennas based on the received channel status information, wherein each of the at least two second data blocks is allocated to an antenna having good channel status and the dummy bits are allocated to an antenna having bad channel status."

It is respectfully asserted that none of the cited references, either alone or in combination, teach the invention defined by claims 38 and 42. Accordingly, it is respectfully submitted that independent claims 38 and 42, and the claims respectively dependent thereon are in condition for allowance.

## CONCLUSION

In light of the above remarks, Applicants submit that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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